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## CHAPTER 36 MENTAL HEALTH ADJUDICATION REPORTING

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### **Mental Health Adjudication Reporting and the National Instant Criminal Background Check System (NICS)**

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In the wake of the Virginia Tech shooting tragedy, Congress passed the National Instant Criminal Background Check System (NICS) improvement Amendments Act of 2007. This statute gives states greater incentives to submit records to the Federal Bureau of Investigation (FBI) regarding individuals who are prohibited from purchasing firearms. In 2009, the General Assembly enacted legislation requiring courts to transmit to the Division of State Court Administration (the “Division”) information about individuals who may be prohibited from possessing a firearm and requiring the Division to establish and administer an electronic system for receiving information from the courts and transmitting this information to the FBI for inclusion in the federal NICS.

JTAC developed the technology for Indiana trial courts to notify the Division about individuals who fall under six categories that make them ineligible to possess a firearm. The categories are legally defined by the Indiana Code, but generally include a person who has been:

- civilly committed under [Ind. Code 12-26-6-8](#) (does not include commitments for evaluation or observation)
- found mentally ill and dangerous or gravely disabled under [Ind. Code 12-26-7-5](#)
- found guilty but mentally ill under [Ind. Code 35-36-2-5](#)
- found not responsible by reason of insanity under Ind. Code 35-36-2-4
- found incompetent to stand trial under [Ind. Code 35-36-3-1](#)
- found not guilty by reason of lack of mental responsibility (according to the Uniform Code of Military Justice)

#### **How it Works**

Using JTAC’s INcite, the Court enters the case number, name of the individual to be reported, at least one numeric identifier, and any other identifying characteristics they may have into the Mental Health Adjudication application. *No medical information is included.*

An electronic record of the information is created and transmitted to the National Crime Information Center (NCIC) database. NICS extracts its data from the NCIC database.

Licensed dealers are required by law to notify NICS when any individual attempts to purchase a firearm. If the individual has been reported to NICS by the Mental Health Adjudication application, the FBI will disallow the purchase.